IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.13634 of 2005

Between:

Y.Nageswara Rao, s/o Tatabbai, 29 years,
D.No.6-52-17, 6th Ward, Yerragadda Colony, Gajuwaka, Visakhapatnam

District.

...PETITIONER

AND

The Gajuwaka Municipality rep., by its Commissioner, Gajuwaka, Visakhapatnam.

...RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any writ, order or direction particularly a writ in the nature of Mandamus directing the respondent not to interfere with the peaceful possession of the petitioner's house situated in Sy.No.80/1,2,3 Chinagantyada village within the limits of the Gajuwaka Municipality without following the due process of law by declaring the action of the respondent in proceeding with demolition and removal of petitioner's house as arbitrary, illegal and violative of Articles 14, 21, 300-A of the Constitution of India besides gross violation of natural justice.

Counsel for the Petitioner: MR.B.M.PATRO

Counsel for the Respondent: MR.S.NAGESWARA REDDY

The Court at the admission stage made the following:

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THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.13634 of 2005

ORDER:

This Writ Petition is filed by the petitioner seeking a direction to the respondent not to interfere with the peaceful possession of the petitioner's house situated in Survey No.80/1, 2, 3, Chinagantyada Village within the limits of Gajuwaka Municipality without following the due process of law and by declaring the action of the respondent in proceeding with demolition and removal of the petitioner's house as illegal and arbitrary.

Without going into the merits of the case, I deem it appropriate to dispose of the Writ Petition at the admission stage.

The Writ Petition is accordingly disposed of with a direction to the respondent to follow the guidelines issued by the Division Bench of this Court in ***P.Lakshmana Rao v. Executive Officer*** before demolishing and removing the petitioner's house situated in Survey No.80/1, 2, 3 of Chinagantyada Village in Gajuwaka Municipality.

No costs.

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(ELIPE DHARMA RAO, J)

27th June 2005

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Commissioner, Gajuwaka Municipality, Gajuwaka, Visakhapatnam.
2. Two CD copies.